

Attorney Docket No. 9280.2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Tedd E. Elich et al.

Confirmation No.: 5061

Application No.: 10/633,835

Group Art Unit: 1645

Filed: August 4, 2003

Examiner: Padmavathi Baskar

For: Recombinant Biotin Carboxylase Domains for Identification of Acetyl CoA Carboxylase Inhibitors

Date: November 14, 2006

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST TO WITHDRAW FINALITY OF REJECTION UNDER MPEP § 706.07(d)

Sir:

Applicants respectfully submit a Request to Withdraw Finality of Rejection under MPEP § 706.07(d) for the Office Action dated October 13, 2006, under the grounds that the final rejection was premature. If any extension of time for the accompanying response or submission is required, applicants request that this be considered a petition therefor. No fee is believed due. However, the Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

**CERTIFICATION OF TRANSMISSION
UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on November 14, 2006 using the EFS:

Signature: *Sarah Abraham* Date: Nov. 14, 2006
Typed Name of Person Signing Certificate: Sarah Abraham